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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JANSSEN PHARMACEUTICALS, INC.,
JANSSEN PHARMACEUTICA NV,
JANSSEN RESEARCH &
DEVELOPMENT, LLC,

Plaintiffs,

v.

MYLAN LABORATORIES LIMITED, MYLAN
PHARMACEUTICALS INC., and MYLAN
INSTITUTIONAL LLC,

Civil Action No. 3:20-cv-13103
(BRM)(LHG)

(Filed Electronically)

**STIPULATION AND ORDER DISMISSING WITHOUT PREJUDICE
DEFENDANTS MYLAN PHARMACEUTICALS INC. AND MYLAN INSTITUTIONAL
LLC AND AMENDING CAPTION IN THE ACTION TO REFLECT SAME**

This stipulation is made by and between Plaintiffs Janssen Pharmaceuticals, Inc. (“JPI”),
Janssen Pharmaceutica NV (“JPN”), and Janssen Research & Development, LLC (“JRD”),
(collectively “Plaintiffs” or “Janssen”) and Defendants Mylan Laboratories Limited (“MLL”),

Mylan Pharmaceuticals, Inc. (“MPI”) and Mylan Institutional LLC (“MIL”) (collectively, “Mylan” or “Defendants”).

Plaintiffs and Defendants, by and through their respective undersigned counsel in the above-captioned action (“Action”), and subject to approval of the Court, stipulate and agree as follows:

1. Plaintiffs hereby dismiss without prejudice their claims against MPI and MIL pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and (ii). The parties agree that this Action will continue in this District with respect to Plaintiffs’ claims against MLL.

2. Without conceding that they are proper parties to this litigation, MPI and MIL agree to be bound, as if they were parties to this Action, by any Judgment, Order, or decision, including any injunction or any appeals thereof.

3. MLL does not contest personal jurisdiction or venue for the purposes of this action only.

4. MLL, MPI, and MIL agree that any documents, things, witnesses, or information that would be discoverable in this Action were MPI and MIL to remain a party to this Action shall be deemed to be in the possession, custody and control of MLL for purposes of discovery and trial in this Action, and MLL will produce such discoverable documents, things, witnesses, or information subject to any objection or privilege (other than non-party status).

5. Plaintiffs may seek to depose employees of MPI and/or MIL by serving deposition notices on MLL and MLL agrees to accept service of such deposition notices. MLL will also accept Rule 30(b)(6) deposition notices containing topics directed to information that may be held by MPI and/or MIL and any witness presented in response thereto shall investigate information in the possession, custody, or control of MPI and/or MIL if required.

6. For clarity, nothing herein constitutes a waiver of any objections or defenses to the provision of discovery that are available to parties to an action under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or any other applicable authority. Plaintiffs agree that MLL may raise objections and defenses to discovery requests on behalf of MPI and MIL. Further, MLL will certify interrogatory responses containing MLL information, MPI information, and MIL information.

7. None of the foregoing shall be interpreted to limit Plaintiffs' rights to appropriate and timely discovery from MLL, MPI, or MIL or to limit MLL's right to appropriate and timely discovery from Plaintiffs.

8. The terms of this Stipulation are made without prejudice to the respective positions of Plaintiffs and Defendants as to whether MPI and MIL are proper defendants in this Action. The terms of this stipulation cannot and will not be used by Janssen or Mylan to argue for or against venue or jurisdiction in the future.

9. The case caption for this Action should be amended to remove MPI and MIL.

Dated: September 24, 2020

s/ Keith J. Miller

Keith J. Miller

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Mylan Institutional LLC

IT IS SO ORDERED this 24th day of September 2020.



Hon. Brian R. Martinotti, U.S.D.J.